

Joseph Wayne Hunter
Plaintiff

V.

NO. 3:18-CV-1589-D-BH

Douglas Schormeyer et al

Plaintiff's Second Motion To Leave but First Request
to Add Defendants Amended Complaint

TO THE HONORABLE JUDGE OF SAID COURT:

Comes now, Joseph Wayne Hunter Plaintiff and files Plaintiff's motion to Add Defendants with permission to Leave Amending Complaint and Petition, Complaining of Defendants, Judge Jennifer Bennett conspiring with Defendant Douglas Hugh Schormeyer and Defendant Douglas Hugh Schormeyer conspiring with the Judge Jennifer Bennett which is Judicial Corruption. Faith Johnson District Attorney of Dallas County and Grace E. Shin Assistant District Attorney who also conspired with the Judge of 265th District Court of Dallas County against Plaintiff Joseph Wayne Hunter and would show unto the Court as follows:

1. Selection of Discovery Level

1. This suit is governed by General Provisions Governing Discovery Rule 26 of the Federal Rules of Civil Procedure. All Defendants are being sued in their Individual Capacities.

2. Parties To Be Added

2. Jennifer Bennett, Judge of the 265th Judicial District Court who resides at the Frank Crowley Courts Building 133 N. Riverfront Blvd 265th 133 N. Riverfront Dallas, Texas 75207-4300. Defendant is in the process of being served.

3. Faith Johnson, Dallas County District Attorney who currently resides at Frank Crowley Courts Building 133 N. Riverfront Blvd LB 19 Dallas, Texas 75207-4399.

4. Grace E. Shin, Assistant District Attorney Frank Crowley Courts Building 133 N. Riverfront Blvd LB 19 Dallas, Texas 75207-4399.

11. Jurisdiction & Venue

5. The court has continuing jurisdiction over Defendants are Texas Residents, and citizens of the United States of America. The court has jurisdiction over the subject matter, because the damages are within constitutional and statutory jurisdictional limits of the court, and under § 1367(a)(1)(2).

IV. Facts

6. Judge Jennifer Bennett and Douglas Hugh Schoenmeyer had joint participation in a conspiracy act involving fraud knowingly and willingly with the intent, and malice to cause a constitutional wrong doing the conspiracy agreement, or concerted action between the Private Party and the Judge. On March 1, 2017 In the Court of Criminal Appeals of Texas, No. WR-83,490-DS Ex parte Joseph Wayne Hunter, Applicant, on Application For A WRIT of Habeas Corpus Cause No. W13-56295-R(D) In the 265th District Court From Dallas County.

7. The Court of Criminal Appeals ordered the Trial Court Judge to order Trial Counsel to respond to Applicant's claim of ineffective assistance of counsel, on the grounds for relief, for failing to introduce the call notes from the 911 call from the night of the incident, failed to call witnesses on my behalf, and failed to adequately cross-examine state witnesses. See Docket Text Docket 8 First Amended Complaint Exhibit 4 Page 2 of 3, The Court order from the Court of Criminal Appeals. On January 17, 2017 writ Response Defendant Douglas Schoenmeyer returned to answer to the allegations of writ D.

8. In the Writ Response Exhibit 3 1 of 3 of First Amended Complaint Dkt 8, 9 the very first Paragraph, I will raise, address the issues raised in writ (B) and (C) because it is the only section that I am referenced within. The Trial Judge Jennifer Bennett and Douglas Schoenmeyer conspired,

7. The Judge allowed Defendant Doug Schopmeyer to disobey a direct order from the Court of Criminal Appeals, Judicial Corruption and Conspiracy of both defendants. Also there is the document with the fraudulent statement Writ Response Page 1 of 3 July 27, 2016 (writ number W13-56295-R(D)) - states no accusation of wrong against Doug Schopmeyer. See Dec 8, 9 First Amend Exhibit 3 Page 1 of 3. This is a fraudulent document allowed by the Judge because the Court of Criminal Appeals ordered the Court of Trial to have Trial Counsel answer to the allegations of Ineffective Assistance of Writ D. for failing to introduce the call notes from the 911 call from the night of the incident, failed to call witnesses on his behalf and failed to adequately cross examine witnesses.

See Order Re 8 First Amended Complaint Exhibit 4 Page 2 of 3. Court Order from the Court of Criminal Appeals. It is clear that the Trial Court Judge and Trial Counsel shared the same common goal which was to conspire against me by falsifying documents to defraud the Court of Criminal Appeals to believe that the allegations or allegations were answered in Writ D, by answering to writs (B)(1) which haven't the same allegations as Writ D. Presenting this notarized document of falsified statements allowed by the Judge who was bribed in some form of corruption to allow these documents to pass through her court to the Higher Court of Appeals so that relief wouldn't be granted for the plaintiffs. The conduct pursuant to the conspiracy, agreement or concerted action violated the Plaintiffs federally protected rights of the Due Process of the 5th and deprivation of access to the courts. Deprivation of The 14th (Fourteenth Amendment) right no state shall deprive any person of life liberty or property without the due process of law nor deny to any person within its jurisdiction the equal protection of the laws.

10. The involvement of a state official in such a conspiracy plainly provides the state action essential to show a direct violation of Petitioner's Fourteenth Amendment equal protection rights, whether or not the actions of the wife officially authorized or lawful. *Monroe v. Pape*, 365 US 167, 5 L Ed 2d 492, 81 S Ct 473 (1961); see *United States v. Massie*, 313 US 299, 326, 85 L Ed 1495, 1505-1507, 65 S Ct 1031, 1162 ALR 1330 (1945); *William v. United States*, 341 US 97, 99-100, 95 L Ed 277, 278 (1951).

11. Douglas Schormeier moreover is a private party involved in such a conspiracy, even though not an official of the state, can be liable under § 1983.

"Private persons, jointly engaged with state officials in the prohibited action, are acting 'under color' of law for purposes of the statute. To act 'under color' of law does not require that the accused be an officer of the state. It is enough that he is a willful participant in joint activity with the state or its agents". *United States v. Price*, 383 US 787, 794, 16 L Ed 2d 267, 272, 86 S Ct 1152 (1966).

12. It is evident that Defendant Trial Counsel Douglas Schormeier received a copy of the Court Order from the Trial Court Judge, from the Court of Criminal Appeals, Texas see Exhibit 4 Page 3 of 3 of Plaintiff's First Amended Complaint Doc 8.9. But the Judge allowed the Trial Counsel to answer to the Writ Response under false pretenses, and to submit a fraudulent Document, as a legal binding contract, Sworn under oath to the state of Texas by the State of Texas Notary of Public, Ruth Martinez on January 17th, 2017 see Exhibit 4 Page 3 of 3 Plaintiff First Amended Complaint. The Trial Court Judge was to make sure the Due Process of the 14th amendment, be upheld and exercised in the proceeding. It is clear that the Judge was bribed into letting this illegal act of conspiracy to corrupt the court.

3. It is clear with convincing evidence that the private party and the state violated statute protecting civil rights 18 USC § 242. The Defendants acted "willfully" that is, with "a specific intent to deprive a person of a federal right made definite by decision or other rule of law. See *Scrim v. United States*, 325 US 91, 103 89 L Ed 1495 11504, 65 S Ct 1031, 162 ALA 1330 (1945). It is clear that Douglas Schepmeyer and Judge Jennifer Bennett are guilty of conspiracy under Section 241 of 18 USC which clearly deals with conspiracies that interfere with the exercise of the Fourteenth Amendment rights, which arise from the relation of an individual and the state. There is no doubt that § 1983 protects Fourteenth Amendment rights. See *Monroe v. Pape* *Supra* at 170-171, 52 L Ed 2d at 496; *id* at 205-206, 52 L Ed 2d at 515.

4. *Conspiracy Defendants Douglas Schepmeyer and Trial Judge Jennifer Bennett are also guilty of conspiracy § 171 Constitutional law § 314. Trial Judge is guilty of conspiracy and judicial corruption.

15. OTHER Pertinent Facts Involving the District Attorney's office in relation to conspire against the Plaintiff with the evidence presented. The District Attorney's office attorneys Faith Johnson and assistant Grace E. Shin have deliberately denying Writs filed by the Plaintiff. Writ B, H, J, V, K are classified as cases Procedural Barred and show that there no first violations, where there were the Jurisdiction of the Judge and her court are question at this time.

16. The Plaintiff knows that corruption involves more than the Judge Bennett, but also the District Attorney's office involvement long before. Faith Johnson was appointed, there was also the incompetent District Attorney Susan Hawkins who was removed from office. Writ D was filed while Susan Hawkins was District Attorney and the Presiding Judge has been Judge Jennifer Bennett see exhibit 2 Page 707708 1st Amended Complaint. It is no doubt that the Judge of the Court and the —

District Attorney, have been conspiring on the Plaintiff. The District Attorney, is an officer of the state, but are corrupt just like the court and have been dealing with malice, and intent, knowingly and willingly knowing that the Judge with her corrupt tactics which violate the Due Process of the fourteenth would agree to deny each claim Plaintiff was entitled. Plaintiff has showed that the Judge has conspired against him, and he is a good character witness, and anything filed in her court concerning Plaintiff would not be in his favor.

No Writ E issues raised two grounds (1) that false evidence was entered through the state witnesses and (2) that there is no evidence he committed this offense. For the truth of the matter "No" Evidence violates Due Process. "No evidence to support a conviction is a claim that is cognizable on writ of Habeas Corpus, Ex Parte Perales, 215 S.W.3d 418, 419 (Tex. Cr. App. 2007) when there has been no evidence upon which to base a conviction a process has occurred and the conviction may be attacked collaterally in a habeas Corpus Proceeding." Ex Parte Coleman 159 S.W.2d at 307, but the state Attorney of the district denied due to the miscarriage of justice. This has been an ongoing prejudice against the Plaintiff, when he files his writs. Another example of the Attorneys for the state, have upheld justice and violated Plaintiff's 14th amendment right was in Writ No. W13-56295-R(U), Plaintiff filed a innocent claim based on no evidence and no witnesses. Based on a schult type claim State Response Writ NO. W13-56295-R(U) The Assistant District Attorney has procedural barred my claim and their was constitutional harm of Fourteenth Amendment Due Process violation, because there was no evidence or witnesses to prove that Mr. Hunter shot the victim. See Plaintiff First Amended Complaint Pages 6 and 7. See Ex parte Perales, 215 S.W. 3d 418, 419 (Tx. Cr. App. 2007) Faith Johnson has violated her Duties of Art. 2.01 Duties of District Attorneys

The District Attorney and Assistant District Attorney are part of the Conspiracy Plot and Judicial Corruption along with the Trial court Judge Jennifer Bennett, now only has the District Attorney conspired she allowed her assistant corrupt the District Attorneys

Office by violating the Constitutional Right of the Due Process of Law under the 14th Amendment. Art 2.01 states the following:

18. Each district attorney shall represent the state in a criminal case in the district courts of his or her district and in appeals therefrom, except in cases where he/she has been before his/her election employed adversely. When any criminal proceeding is heard before an examining court in his district or before an examining court in his district or before a judge upon habeas corpus, and he is notified of the same, and is at the time within his district, he shall the state therein, unless prevented by other official duties. It shall be the primary duty of all prosecution attorneys, including and special prosecutors, not to convict, but to see that justice is done. They shall not suppress facts or secrete witnesses capable of establishing the innocence of the accused.

19. Faith Johnson Failed in her duties, Neglect of Duties
V.T.C.A. Article 2.03

(a) It shall be the duty of the attorney representing the state to present by information to the court having jurisdiction, any officer for neglect or failure of any duty enjoined upon such officer. When such neglect or failure of any duty enjoined upon such officer, when such neglect or failure can be presented by information, whenever it shall come to the knowledge of said attorney that there has been a neglect or failure of duty upon the part of said officer, and he shall bring the notice of the grand jury any act of violation of law or neglect or failure of duty upon the part of any officer. When such violation neglect or failure is not presented by information and whenever the same may come to his/her knowledge.

(b) It is the duty of the trial court the attorney representing the accused, the attorney representing the state and all peace officers to conduct themselves as to insure a fair trial for both the state and the defendant, not impair the presumptions

of presumption of innocence.

District Attorney Faith Johnson and Assistant Grace E. Shin
Involvement of a state officials in such a conspiracy plainly
provides the state action essential to show a direct violation of
Petitioners Fourteenth Amendment equal protection rights, whether
or not the actions of the state were officially authorized
or lawful *Monroe v. Pape*, 365 U.S. 167, 5 L Ed 1495, 1505-1507, 65
9 14 1031, 162 ALR 1336/14451

V. ALL DEFENDANTS HAVE DENIED Plaintiff Hunter
ACCESS TO THE COURTS

20. Due to the Conspiracy act that violated the Plaintiffs 14th amendment
was also denial of Access to Courts violates a recognized constitutional
right, and conceivably could be the basis of a suit pursuant to this
Section, and this action which an individual from communications
with the court could constitute denial of Access to Court *Henricksen*
V. Bentley, C.A. 10 (Wyo) 1981 644 F.2d 852.

VI. DAMAGES

21. As a proximate result of the Defendants' negligence, Plaintiff
suffered Personal Injury. Plaintiff suffered the following damages:

- a. Due Process violation of depriving the 5th and 14th amendments
to adequately be protected by the constitution and laws.
- b. Relief from the truthful allegations in Writ D
- c. Relief from Prison was not granted.
- d. Procedural Barred claims in future
- e. Emotional Distress.

22. Plaintiffs injuries resulted from Defendants, when the Defendant conspired
resulting in Conspiracy and Judicial Corruption Section 241 of 18 U.S.C.
which clearly deals with conspiracies that interfere with the
exercise of the Fourteenth Amendment's rights, which arise from
the relation of an individual and the state. There is no doubt
31983 Protects Fourteenth Amendment rights. See *Monroe v. Pape*,
Supra, at 170-171 5 L Ed 2d at 496, id at 205-206 15 L Ed 2d at 515

VII. Prayer

3. Wherefore, Premises Considered Plaintiff, Joseph Wayne Hunter respectfully request Defendants, Judge Jennifer Bennett, Faith Johnson, and Grace E. Shin be cited to appear and answer and on final trial, that Plaintiff have Judgment against Defendants for:

- a. actual damages
of Personal Injury
- b. Cost of Suit
- c. For the truth of the matter asserted to be recorded
as constitutional Error
- d. Monetary Relief \$10,000,000 but no less than
\$5,000,000
- e. And any other relief either in law or equity to which
Plaintiff is justly entitled.

Inmates Declaration

I, Joseph Wayne Hunter, am the Petitioner and being presently incarcerated in Price Daniel Unit 7DLD declare under Penalty of Perjury that, according to my belief, the facts stated in the above Motion to Leave Amend Complaint to Add Defendants in the above Petition are true and correct.

Signed on July 18, 2018

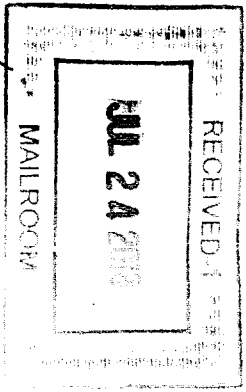
Joseph Wayne Hunter

Signature of Petitioner

Certificate of Service

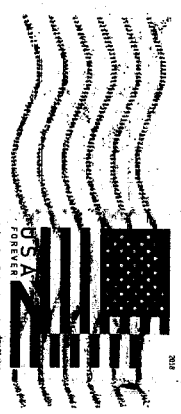
I Certify that a true copy of this Motion to leave to Amend Complaint to Add Defendants was served on All Defendants, Judge Jennifer Bennett at the 265th Judicial District Court Frank Crowley Court 133 N. Riverfront Dallas, TX 75207 and To the District Attorney's office Frank Crowley Court Building 2B19 133 N. Riverfront Dallas, Texas 75207

Joseph Wayne Hunter
1981619
Price Daniel Unit
938 South FM 1673
Snyder, Texas 79849



U.S. District Court
Office of the Clerk
1100 Commerce St. RM 1452
Dallas, TX 75242

WILKINS T36 3065
20 JUL 2018 PM 2 L



75242+1310

